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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/620,010

07/15/2003

Eric Thompson

TH04US

8604

7590  
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03/24/2008

EXAMINER

MARSH, STEVEN M

ART UNIT

PAPER NUMBER

3632

MAIL DATE

DELIVERY MODE

03/24/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/620,010	<b>Applicant(s)</b> THOMPSON, ERIC	
	<b>Examiner</b> STEVEN M. MARSH	<b>Art Unit</b> 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 12 and 14-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 is/are allowed.
- 6) ☒ Claim(s) 12 and 14-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **I DETAILED ACTION**

This is the sixth office action for U.S. Application 10/620,010 for a Toolless Locking Mount filed by Eric Thompson on July 15, 2003. Claims 1-8, 12, and 14-18 are pending.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12 and 14-17 are rejected under 35 U.S.C. 102b) as being anticipated by U.S. Patent 4,779,180 to Ruiz. Ruiz discloses the steps of inserting an article (4), rotating a top cap (5), overcoming resistance of a detent (9 pressed against 4), and lifting an article (4 can be lifted from the mounts). The step of overcoming the detent includes compressing a spring (8), moving angled surfaces (at 90 degrees) of the base into contact with the object, tightening a screw (see figure 2 which shows the base attached by a screw). Claims 12 and 14-17 contain limitation to the structure of the mounts, but the limitations do not limit the method steps and therefore have no patentable significance.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ruiz in view of Holden. Ruiz does not disclose engaging the article with polyurethane on inward surfaces to improve the grip. Holden et al. discloses polyurethane grips (248) on opposing arms for gripping an article. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided polyurethane on the inward surfaces taught by Ruiz, as taught by Holden et al., for the purpose of improving the grip between the article and surfaces.

***Allowable Subject Matter***

Claims 1-8 are allowed. The following is an examiner's statement of reasons for allowance: The prior art does not disclose a universal mounting mechanism with a base that has an upper surface and a bottom surface and a sideways face for engaging two non-parallel outside surfaces, the surfaces extending to the bottom surface, a top pivotally mounted on the base that lies on a plane orthogonal to the surfaces, the top locking into either a closed position over the face, or an open position clear of the face, and at least one fastener hole for receiving a fastener by which the base can be attached to an other surface with the bottom surface engaged with an upper surface of

the other surface, whereby the object can be easily and quickly installed and removed from the other surface.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

Applicant's arguments filed December 19, 2007 have been fully considered but they are not persuasive. Applicant argues that Ruiz lacks structure that is claimed by Applicant in claims 12 and 14-17. However, the claims are directed towards a method of releasably securing an article and therefore the structure is of no significance, only the steps of releasably securing the article. Applicant also argues that Ruiz does not disclose a detent, but the Examiner disagrees as discussed in the above rejection under section 102.

In response to applicant's argument that Holden is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Holden is pertinent because it teaches a method for improving grip. The device taught

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by Ruiz is for gripping an article, and therefore a teaching that helps improve that grip would be pertinent.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (571) 272-6819. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

/S.M.M/  
Examiner, Art Unit 3632  
Steven Marsh  
March 13, 2008

/Anita M. King/  
Primary Examiner, Art Unit 3632

<b>Application Number</b> 	<b>Application/Control No.</b>	<b>Applicant(s)/Patent under Reexamination</b>	
	10/620,010	THOMPSON, ERIC	
	<b>Examiner</b>	<b>Art Unit</b>	
	STEVEN M. MARSH	3632	